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20 Attorneys for Defendant International
21 Business Machines Corporation

22 UNITED STATES DISTRICT COURT
23 NORTHERN DISTRICT OF CALIFORNIA
24 SAN JOSE DIVISION

25 RSI CORP., dba RESPONSIVE
26 SYSTEMS COMPANY, a New Jersey
27 corporation,

28 Plaintiff,

vs.

INTERNATIONAL BUSINESS
MACHINES CORPORATION; and
DOE DEFENDANTS 1-20,

Defendants.

CASE NO. 5:08-cv-3414 (RMW/HRL)

**STIPULATION CONTINUING
HEARING DATE ON DEFENDANT
IBM'S MOTION TO DISMISS
FROM SEPTEMBER 5, 2008 UNTIL
SEPTEMBER 19, 2008 AND
SETTING BRIEFING SCHEDULE**

Ctrrm.: 6, 4th Floor
Judge: Hon. Ronald M. Whyte
Prior Hrg. Date: September 5, 2008
Prior Hrg. Time: 9:00 a.m.
New Hrg. Date: September 19, 2008
New Hrg. Time: 9:00 a.m.

1 WHEREAS, defendant International Business Machines Corporation ("IBM")
2 filed and served a motion to dismiss on May 27, 2008 while this case was pending
3 in the United States District Court for the District of Hawaii;

4 WHEREAS, defendant IBM's motion to dismiss was taken off calendar
5 pending determination of defendant IBM's simultaneously-filed motion to transfer
6 venue;

7 WHEREAS, this case was transferred to the United States District Court for
8 the Northern District of California on July 14, 2008 following defendant IBM's
9 unopposed motion to transfer venue;

10 WHEREAS, on August 1, 2008, defendant IBM re-noticed its motion to
11 dismiss for hearing on September 5, 2008;

12 WHEREAS, plaintiff RSI Corporation's ("RSI") opposition to IBM's motion
13 is currently due on or before August 15, 2008; and

14 WHEREAS, plaintiff RSI seeks additional time to oppose IBM's motion to
15 dismiss following retention of counsel in California,

16 It is therefore stipulated between the Parties that:

17 1. The hearing on defendant IBM's motion to dismiss (and concurrently-
18 filed Request for Judicial Notice) shall be continued to **September 19, 2008**; and

19 2. Plaintiff RSI will file and serve any papers in opposition to defendant
20 IBM's motion to dismiss on or before **August 26, 2008**.

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1 3. Defendant IBM will file and serve any reply papers in support of its
2 motion to dismiss on or before **September 5, 2008**, consistent with Local Rule 7-
3 3(c).

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5 DATED: August 13, 2008

SEVERSON & WERSON

6
7 By  _____

8 Forrest Booth
Attorneys for Plaintiff RSI Corp.

9 DATED: August 13, 2008

QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

10
11 By  _____

12 Valerie Roddy
13 Attorneys for Defendant International
14 Business Machines Corporation
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